

Memorandum

To: Planning Commission

From: Julianne Thomas, Planner
Alex Score, Biologist

Date: April 20, 2006

Re: Request for Future Land Use Map Amendments

MEETING DATE: April 26, 2006

RE NUMBER: 00081720.000301

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use/Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Club Inc.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 52,448.6 S.F. or 1.2 acres

RE NUMBER: 00081720.000303

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use/Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Culture Center

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 151,433.07 S.F. or 3.47 acres

Location Detail & Brief Description:

The property is located on Key Largo in Ocean Reef. The property is northwest of Anchor Dr., southeast of the airport runway and southwest of Barracuda Lane. The property is legally described as part of the NE ¼ of the SW ¼ and Part of the SW ¼ of the NE ¼ of the Plat of Lands of Seaboard Properties, Inc., Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000301 and 00081720.000303 .

Existing Use:

Parcel 00081720.000303 houses part of the Ocean Reef Art Center Building which houses offices, a gallery, and a library. Parcel 00081720.000301 is where a new 20,700 sq. ft. medical center is being built. It is a large concrete structure which takes up much of the parcel.

Existing Habitat:

The property is disturbed with both native and exotic landscaping.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The 1985 existing conditions map panel #335 aerials classify this property as disturbed.

Neighboring Land Uses and Character:

The surrounding properties are a variety of uses. Northwest is the airport runway. Some of the surrounding lots are vacant lots. To the South and East of the subject parcel lots across Anchor Dr. are single family homes with a zoning of Improved Subdivision (IS) and a Future Land Use Map (FLUM) designation of Residential Medium (RM). There is also a building that houses offices for the Ocean Reef Art Center Building and a public safety building which houses the fire station and additional public safety offices.

ZONING AND LAND USE HISTORY**Pre – 1986 Zoning:**

The subject property was zoned GU and RU-3 prior to 1986. The GU designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use. RU-3 provided for multiple family dwellings or apartments.

Considerations during 1986 comprehensive plan process:

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Sparsely Settled (SS) with a FLUM of Residential Low (RL).

Consideration during the 2010 comprehensive plan Process:

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply FLUM designations that were consistent with the land use district designations. The property was given a FLUM designation of Recreation (R) which is inconsistent with original SS land use district designation.

Map changes or boundary considerations since 1986:

These parcels were changed from SS to SC under a development agreement with Ocean Reef but the FLUM was not changed at the same time.

ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)**(i.) Changed projections:**

None

(ii.) Changed assumptions:

Ocean Reef Club (ORC) is a gated community and private club that limits access to the community by non-residents and non-members. The community is a de facto municipality providing its own sewer, garbage, police, fire protection and medical services. ORC is isolated, 12 miles from Key Largo and 30 minutes from Florida City and Homestead.

The original change in zoning was granted in part based on much of the vacant land along CR-905 being turned into a wildlife refuge. Staff believed that the environmentally sensitive nature of the lands could be protected by reducing the number of trips on CR-905. One way to reduce the number of trips is to provide for more services on site. The only way to provide more services on site is to create more areas which will allow for commercial development.

ORC provides amenities to its residents in the form of commercial retail services, offices, restaurants, offices, schools, and recreation opportunities.

(iii.) Data errors:

None

(iv.) New issues:

Staff became aware that the FLUM was not changed for several areas in Ocean Reef that had zone changes. Staff would like to remove these inconsistencies and allow full development of these parcels.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed to its fullest potential. In addition, the adjoining parcels to the South are occupied by a fire station, library and an office. West of the property is an airport runway. The purpose of SS zoning is to establish areas of low-density residential development where the predominant character is native or open space. Although the subject parcels are characterized by open space, the combination of non-residential uses and the airport runway make these parcels inappropriate for residential uses. The zoning has already be changed to reflect a better way to utilize these parcels and staff is now seeking a FLUM change to match the zoning.

(vi.) Data updates:

None

IMPACT AND POLICY ANALYSIS

Comparison of development potential for the Current and Proposed Land Uses:

1. Current Land development regulations (LDR's)

The property has a current FLUM designation of R which is inconsistent with the SC land use district map designation.

Policy 101.4.9

The principal purpose of the Recreation (R) land use category is to provide for public and private activity-based and resource-based recreational facilities.

2. Potential Land Uses with Proposed Map Amendment

Staff is requesting a FLUM amendment from Recreation (R) to Mixed Use/Commercial (MC).

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

The list of permitted as-of-right and conditional uses includes commercial uses, office, institutional, public uses, hotels and marinas. More specifically, the SC permits commercial apartments and employee housing of less than six (6) units as-of-right, subject to meeting all other requirements. More than eighteen (18) units require a major conditional use.

Compatibility with adjacent land uses and effects on community character:

Density and Intensity

Changing the FLUM will have no practical effect on density and intensity. The parcels are already fully developed under their SC zoning. This will simply allow the existing and proposed uses to continue.

Allocated and Max Net Density Permitted Per Acre

Residential units other than camping and hotels smaller than 12 units are not permitted on land with a FLUM of R. Staff is perplexed as to how the current medical center building was approved to be built on this parcel. Although public buildings are allowed on lands with a FLUM of R, the open space ratio for those buildings is very high – 90 %, which means for the 52,448.6 s.f. parcel, only 5,245 s.f. are available for development. Of that, a FLUM of R allows for 20% Floor Area Ratio meaning the largest building allowed by this FLUM on this parcel would be 1,049 s.f.

The maximum non-residential square footage permitted is as follows, the ultimate square footage allowed is dependant on compliance with all Monroe County Code requirements:

Commercial Maximum Floor Area Ratio Permitted

Recreation (R)			Mixed Use Commercial – SC zoning		
	MFAR	OSR		MFAR	OSR
Public Buildings	0.2	0.9	Recreational	0.10	0.2
			High Intensity	0.15	0.2
			Medium Intensity	0.25	0.2
			Light industry, Institutional	0.30	0.2
			Public Buildings	0.30	0.2
			Low Intensity	0.35	0.2
			Office	0.40	0.2

MFAR-Maximum Floor Area Ratio and OSR-Open Space Ratio

Use Compatibility

The property is currently being used by the Ocean Reef Art Club and a medical center is being built. Changing the FLUM to MC will actually bring the sites into compliance as they are both currently over density under the existing FLUM of R.

Effects on Natural Resources Goal 102

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

The Land use designation change and FLUM change will allow the parcel to be developed to its fullest potential and minimize the need to build or clear environmentally sensitive lands to provide services to the community.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM and Land Use District Map amendments will not affect Objective 101.11 and will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

Local Traffic, Parking, and Traffic Circulation

The subject property is located in Ocean Reef, a gated community with limited access to non-members. Much of the travel within Ocean Reef is conducted using golf carts and staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

Effects on Public Facilities

ORC provides many of its own services in terms and anticipates no problem continuing to meet the community needs if this amendment is approved and enacted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
 - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate Future Land Use Map (FLUM) designation to allow commercial development.
 - (iv.) **New issues**

Staff identified these parcels as having a land use designation change under the Ocean Reef development agreement without a corresponding FLUM designation change. These parcels are overdeveloped with their current FLUM designations and staff seeks to bring these parcels into compliance and allow the parcels to be developed fully.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the FLUM of this parcel will allow this area of Ocean Reef to be developed fully for the communities needs.

3. The subject property was zoned GU and RU-3 prior to 1986.
4. The subject property was assigned zoning of Sparsely Settled (SS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Recreation (R) for the SS parcels.
6. The subject property was granted a new land use designation of Sub Urban Commercial (SC) in 1996 pursuant to a development agreement with Ocean Reef.
7. The corresponding FLUM designation was never updated to reflect this change.
8. The appropriate FLUM designation for this parcel given use and land use designation is Mixed Use Commercial (MC).
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
10. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
11. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

CONCLUSIONS OF LAW:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed Future Land Use Map designation is appropriate for this property and will allow the owners to make full use of the subject property.

RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, staff and DRC recommends **APPROVAL** to the Planning Commission for the proposed Future Land Use Map amendment

from Recreation (R) to Mixed Use/Commercial (MC) for RE# 00081720.000301 and RE# 00081720.000303.